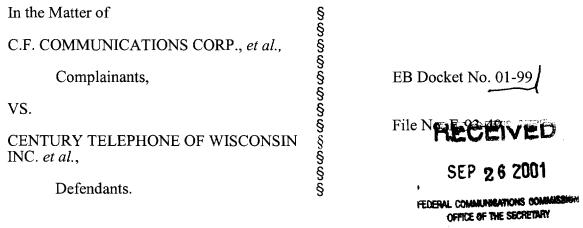
Before the FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, DC 20554



JOINT MOTION FOR DISMISSAL WITH PREJUDICE

Pursuant to Section 1.727 of the Commission's rules, 47 C.F.R. § 1.727, Complainant New York City Telecommunications Company, Inc. (Complainant) and Defendant Southwestern Bell Telephone Company (Defendant) respectfully request that the Commission dismiss the above-caption complaint proceeding, with prejudice.

- 1. Complainant has a pending formal complaint case against Defendant whereby Complainant, an independent payphone service provider (IPP) seeks recovery of end user common line (EUCL) charges assessment against Complainant by Defendant, a local exchange carrier. Complainant has alleged that Defendant improperly assessed and collected EUCL charges on its payphone lines in violation of the Communications Act and the Commission's own rules and regulations. Defendant has denied that it is liable to Complainant for the matters asserted and has denied that Complainant has sustained any damages.
- 2. The parties have resolved their disputes and have entered into and executed an agreement settling those disputes.
- 3. The Commission's grant of this joint motion would enable the parties and the Commission to re-direct their respective resources and efforts towards the resolution of other

No. of Copies rec'd OT4 List ABCDE important issues. Accordingly, the grant of the instant joint motion would serve the public interest.

WHEREFORE, the parties respectfully request that the Commission grant this joint motion and dismiss, with prejudice, this formal complaint proceeding and all claims brought by Complainant against Defendant in this case.

Respectfully submitted,

NEW YORK CITY TELECOMMUNICATIONS COMPANY, INC.

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Attorneys for Complainant

Albert H. Kramer Katherine J. Henry

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Dated: September, 2001

SOUTHWESTERN BELL TELEPHONE COMPANY

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CERTIFICATE OF SERVICE

I, William A. Brown, the undersigned attorney of record, do hereby certify that I have caused copies of the foregoing "Joint Motion for Dismissal with Prejudice" to be served in accordance with 47 C.F.R. § 1.735(f) via hand delivery or via facsimile transmission, followed by regular U.S. mail delivery, postage prepaid, this day of September, 2001, to each of the following persons:

Magalie Roman Salas, Secretary Federal Communications Commission 445 12th Street, S.W., Room TW-B204 Washington, DC 20554 Via Hand Delivery

Arthur I. Steinberg, Administrative Law Judge Federal Communications Commission 445 – 12th Street, S.W., Room 1-C861 Washington, DC 20054 Courtesy Copy, Via Regular Mail

Tejal Mehta
Federal Communications Commission
Enforcement Bureau
Market Disputes Resolution Division
445 12th Street, S.W.
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Via Hand Delivery

David Solomon, Chief Federal Communications Commission Enforcement Bureau 445 12th Street, S.W. Washington, DC 20554 Via Hand Delivery

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Before the FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, DC 20554

In the Matter of	§	
C.F. COMMUNICATIONS CORP., et al.,	38	
Complainants,	n 60 K	EB Docket No. 01-99
VS.	800	E'1. N. E 02 40
CENTURY TELEPHONE OF WISCONSIN INC. et al.,	0000 0000	File No. E-93-49
Defendants.	8	

PROPOSED ORDER

Adopted	Released
Ry the Chief Market Disputes Resolution Division	Enforcement Rureau

- 1. Complainant has a pending formal complaint case against Defendant whereby Complainant, an independent payphone service provider (IPP) seeks recovery of end user common line (EUCL) charges assessment against Complainant by Defendant, a local exchange carrier. Complainant has alleged that Defendant improperly assessed and collected EUCL charges on its payphone lines in violation of the Communications Act and the Commission's own rules and regulations. Defendant has denied that it is liable to Complainant for the matters asserted and has denied that Complainant has sustained any damages.
- 2. The parties have resolved their disputes and have entered into and executed an agreement settling those disputes
- 3. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j) and 208, and the authority delegated in Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the parties' Joint Motion for Dismissal With Prejudice, is GRANTED. To this end, the Commission dismisses with prejudice all claims brought by Complainant.

FEDERAL COMMUNICATIONS COMMISSION